| 1 | RENE L. VALLADARES Federal Public Defender State Bar No. 11479 | |
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| 2 | REBECCA LEVY | |
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| 6 | Attorney for Dustin W. Holden | |
| 7 | | |
| 8 | UNITED STATES DISTRICT COURT | |
| 9 | DISTRICT OF NEVADA | |
| 10 | UNITED STATES OF AMERICA, | Case No. 2:17-cr-00015-RFB |
| 11 | Plaintiff, | UNOPPOSED MOTION TO MODIFY |
| 12 | v. | CONDITIONS OF PROBATION |
| 13 | DUSTIN W. HOLDEN, | |
| 14 | Defendant. | |
| 15 | | |
| 16 | The Defendant, Dustin Holden, by and through his counsel of record, Rebecca Levy, | |
| 17 | Assistant Federal Public Defender, hereby requests the Court modify conditions of probation | |
| 18 | to allow Mr. Holden to travel to North Carolina for work from February 28, 2018 through | |
| 19 | March 1, 2018. | |
| 20 | DATED this 23 rd of February, 2018 | |
| 21 | | RENE L. VALLADARES |
| 22 | F | Gederal Public Defender |
| 23 | By: <u>/</u> | s/ Rebecca Levy |
| 24 | | REBECCA LEVY Assistant Federal Public Defender |
| 25 | | Attorney Dustin Holden |
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STATEMENT OF FACTS

Dustin Holden (hereinafter "Mr. Holden") was sentenced on July 27, 2017, to five years of probation with many conditions of supervision. Docket #18. On January 23, 2018, Mr. Holden made an appearance on a revocation of probation. Docket #40. Counsel requested a continuance of the hearing and at that time the Court modified the conditions of Mr. Holden's probation. Docket #41. The additional conditions of probation include a restriction to his residence with location monitoring. *Id.* Mr. Holden is allowed out of his residence for employment. *Id.*

ARGUMENT

In accordance with 18 U.S.C. § 3563(c), this Court can modify the conditions of Mr. Holden's probation. Mr. Holden is requesting this Court allow him to travel to North Carolina from February 28, 2018 to March 1, 2018. Mr. Holden would be traveling to meet a possible new client. Mr. Holden would also be looking for more affordable warehouse space for a client launching a new product that would be processed before going to Amazon. Finally, Mr. Holden would be meeting with Point Global Logistics to discuss freight handling.

Mr. Holden would drive to Asheville, North Carolina and would stay at an Airbnb property (the address could be given to the Court if requested). Mr. Holden might be carpooling with a friend for the travel.

Mr. Holden can still have an ankle monitor during his travel and have the curfew still in place. According to Probation Officer Walter Cochran, Mr. Holden has been doing very well over the past few weeks since his last appearance.

Officer Cochran does not oppose this employment travel and requests that the GPS will continue to monitor him while he is traveling. The government also does not oppose this request.

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Conclusion Accordingly, Mr. Holden respectfully requests that the Court allow him to travel to North Carolina from February 28, 2018 through March 1, 2018 for work. DATED this 23rd of February, 2018. Respectfully submitted, RENE L. VALLADARES Federal Public Defender By: /s/ Rebecca Levy REBECCA LEVY Assistant Federal Public Defender Attorney for Dustin Holden ORDER IT IS SO ORDERED. RICHARD F. BOULWARE, II United States District Judge DATED: February 26, 2018.

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on February 23, 2018, she served an electronic copy of the above and foregoing UNOPPOSED MOTION TO MODIFY CONDITIONS OF PROBATION by electronic service (ECF) to the parties of record including the person(s) named below:

> **DAYLE ELIESON United States Attorney** DANIEL J. COWHIĞ Assistant United States Attorney 501 Las Vegas Blvd. South, Suite 1100 Las Vegas, NV 89101

> > /s/ Nancy Vasquez, Legal Assistant
> > Employee of the Federal Public Defender